

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CUBIE EILAND and QUALITY	)	
ASSURANCE TESTING	)	
LABORATORIES, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 07-cv-238-
	)	WKW-WC
	)	
CITIBANK USA, N.A. and	)	
QUIK PAWN SHOP,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION TO SUSPEND RULE 26 REQUIREMENTS**  
**AND TO COMPEL MEDIATION**

COME NOW Defendants Citibank (South Dakota), N.A. and EFS., Inc. d/b/a Quick Pawn Shop ("Defendants") and respectfully request that the Court suspend the Rule 26 requirements and compel mediation. As grounds therefor, Defendants state as follows:

1. Counsel for Plaintiffs and the two Defendants have conferred and have commenced settlement discussions.
2. Counsel for Plaintiffs and the two Defendants subsequently agreed to mandatory mediation before a Magistrate Judge; however, due to this Court's current suspension, until October 1, 2007, of such practice, Defendants now

request mediation before a private party that will be conducted and finalized within the next sixty (60) days.

3. In light of early discussions between the parties, Defendants strongly believe that a mutual mediation will expedite the final resolution of this matter.

4. Given the amounts at issue, Defendants request that they be allowed to commit their time and resources to settlement, rather than satisfying the Rule 26 requirements at present.

5. As such, Defendants jointly request that the Court suspend the Rule 26 requirements, compel mediation, and allow the parties an opportunity to finalize a settlement of this matter.

6. If, for some reason, settlement is not reached, Defendants request ten (10) days following conclusion of the mediation to submit a Rule 26 report to the Court.

WHEREFORE, PREMISES CONSIDERED, both Defendants jointly request that the Court suspend its Rule 26 requirements and compel mediation.

s/Rik S. Tozzi

Rik S. Tozzi

Patrick L. Lowther

*Attorneys for Defendant*

*Citibank (South Dakota), N.A.*

s/George W. Walker

George W. Walker, III

J. David Martin

*Attorneys for Defendant EFS,*

*Inc. d/b/a Quick Pawn Shop*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 22nd day of May, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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s/Rik S. Tozzi

OF COUNSEL